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Dreams Denied

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Abstract

Overall this paper is about the struggles that undocumented students in the United States face trying to get an education. This paper begins with a brief overview of immigration law in the United States. From the Alien and Sedition Acts, as well as the Naturalization Act of 1798 through the Dream Act of 2003, I tried to put some of the Immigration laws such as the Bracero laws, Operation Wetback, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 into historical perspective. Next I write about the struggles all immigrants face in the educational and then move on to laws specifically affecting undocumented immigrants such as the 1975 law in Texas withholding state funds from paying for the education of undocumented students. From there I discuss attempts made by Washington State to provide better educational opportunities for undocumented students in Washington State such as HB 1079 and the Washington Dreamers act. I end by talking about my motivation for personal involvement as an activist and the protests I was involved in, in Washington D. C. and Spokane Washington.

Dreams Denied

Before looking at the effect of legal residency status on education it is helpful to back up and look at the historical approach the United States has taken in regards to immigration. The United States policy on immigration has changed over the years. Originally, immigration was unregulated. In 1798 The Alien and Sedition Acts, as well as the Naturalization Act became law. The effect of these laws was to increase the time required to become a naturalized citizen from five to 14 years in order to be eligible to vote. They also allowed for the deportation of anyone considered to be a threat to the United States. In 1802 a new Naturalization Act was passed changing the time to become a naturalized citizen back to five years and requiring the Court Clerk to record the basic information on all people entering the United States. It is important to note that these laws didn't limit immigration, but only changed the length of time to become a naturalized citizen. One of the earliest federal laws limiting immigration was passed in 1875 prohibiting the immigration of convicts and prostitutes. In 1882 President Arthur banned the immigration of Chinese, but all other immigration remained unlimited. It wasn't until 1921 that the United States imposed quotas and began limiting the number of people who could legally enter the country. These quotas were not imposed on Northern Europeans or on Mexicans. Mexicans entering the country did have to get a visa and pay an \$18.00 fee. Many chose to enter illegally without paying the fee. During the depression of the 1930's immigration slowed and many Mexicans left the country. Some voluntarily, but many deported or under the threat of deportation. During this time being deported was based more on the color of your skin than your legal status. Since this time immigration policy seems to be set more by public opinion than by law. The laws

have been in place to limit immigration but largely unenforced due to the demand of cheap labor. When public opinion goes against immigrants, enforcement rises. There was the Bracero program of the 1940's to bring in Mexican workers. In the 1950's came "Operation Wetback" used to deport many Mexicans and force many more to leave voluntarily. Under Regan in the 1980's many undocumented people were given amnesty and a path to citizenship. In 1996 the Illegal Immigration Reform and Immigrant Responsibility Act was passed with strict new penalties for those in the country without documentation. And currently the battle continues over immigration. However in addition to the status of all people in the United States without documentation being fought over, there is a battle over those who came here as children. They did not come here of their own free will. But being here, have been raised as Americans. What are their rights? What are our obligations to them? And the forefront of this battle is in the area of access to education.

Reviewing the history of undocumented students in the United States shows they have faced many obstacles to obtain an education. For many years in the United States the obstacles to education were faced by all immigrant students, regardless of legal residency status. It was often based on language. According to Retzak (2003) "in 1911 the United States Immigration Commission found that 48.8% of New York City fifth-graders were reported as mentally retarded, with the pupils representing the majority of this percentage being children of recent immigrants to the United States. The LEP students' inability to effectively communicate in English was mistaken as mental retardation" (p. 5) Retzak (2003) goes on to say, "In 1908, only 13% of New York City immigrant students in English-language classrooms at the age of twelve continued their education into high school, in comparison with 32% of their native-born peers." (p. 5) Up until the 1960's most obstacles to

getting an education were due to racial prejudices. But as civil right laws began to remove these challenges, a new challenge was faced by undocumented students. Laws that targeted them specifically based not on race but legal status.

Up until 1975, Texas law provided education to all children of the appropriate age residing in local school districts without questioning the child's status (Hutchinson, p.171). The Texas law was to allow all free public education for all students. In 1975 Texas legislators enacted 21.031 of its education code to permit local school districts to deny enrollment in the schools to alien children who were not legally admitted to the United States or to charge tuition to the children (Hutchinson, p. 171). Additionally the State of Texas would not provide funds to school districts to pay for the education of undocumented students. Now my question is why would the legislatures punish the children? The question I just asked was also a question the Supreme Court had. In 1982, in *Plyler v. Doe*, the Supreme Court held by a five-to-four vote that the Equal Protection Clause of the Fourteenth Amendment forbids the State of Texas to deny undocumented school- age children the free public education (Hutchinson, p.167). The case *Plyler v. Doe* was the start to protect undocumented students rights to a K - 12 education. The court case created more questions than answers simply because elaborating on the rights of the "illegals" have for the United States made it complicated. The point is we are a country of immigrants and for the population that is undocumented their status won't change from one day to the next. They are already at a disadvantage as a result of poverty, lack of English speaking skills, and racial prejudices, which keeps them in a low socio-economic class. Having an education is what gives many of the undocumented population hope and education is what many are seeking. Now why does it seem more obstacles are created, yet undocumented students need to be

appreciative to the government? The Plyler case was great in that it allowed undocumented students to enroll in the K-12 system and be able to graduate with a high school diploma, but what about higher education? In 1996, federal immigration law made access to higher education much harder to undocumented students.

In 1996 the United States passed the Illegal Immigration Reform and Immigrant Responsibility Act. In addition to providing much harsher penalties to those caught in the United States without documentation it had some unintended consequences. Under this act and later amendments States could legally deny undocumented students access to state colleges or universities, or charge them out of state tuition. That's what happened in Washington State up until 2003.

In Washington State 2003 House Bill 1079 was signed by Governor Locke to allow undocumented students to pay instate tuition, at state colleges and universities. Before 2003 undocumented students had to pay approximately triple the amount that a U.S. student had to pay for college. It comes to show another obstacle students who lack a social security number have to overcome. Receiving an education is to achieve many dreams. Undocumented students might have committed a crime by coming in to United States, but who is to blame “them”? Why can’t these students who are in the United States already receive an opportunity to pursue a higher education? Many of them can be our future doctors, lawyers, and professors and the list goes on. Because a student does not have a social security number does not mean they don’t have dreams? I interviewed a friend from Pasco where I grew up. My friend is undocumented and has lived in the United States all of her childhood. All she knows is America. Her parents brought her from Mexico when she was three years old. Her

status of not having a social security number did not stop her from attending college. I would ask her why you would pay so much money for school when at the end you know you're not able to work simply because you don't have the right status. My friend Sonia answered me, "simply because I am undocumented does not mean I don't want an education, yes I won't be able to work or use my major, but having an education is something no one can take it away". She also made another comment that I always think about when I want to give up on college, she said "why would I not try to make something out of myself in this country when my parents risked so much to come here"? She has inspired me because I think about my mom she is undocumented, but I am U.S. citizen I have the gift of citizenship. When House Bill 1079 was passed it open the opportunity for undocumented students to pay instate tuition. Even though once they graduate from a community college or a university their degree is not useful. They still have trouble getting work outside the field. However, not everyone who is undocumented can apply for the instate tuition there are some requirements. One of the requirements is having received a diploma from a Washington State high school or a GED diploma. Also you have live in Washington State for at least three years to prove your residency. Once filling out the college application there is a section where it asks for a social security number. Simple the student would have to fill it in with 0's. Most importantly when it asks for current or expected visa or immigration status the student has to check the box that states other and write HB 1079. Once that is done there is another form that is attached to the process that is summing the Washington Higher Education Residency Affidavit. The affidavit is a statement verifying that the student qualifies to pay resident tuition. Undocumented students have faced institutional racism for a long time. Some portray undocumented students or the immigrant community as "cholos", drug dealers or people who

corrupt the system. Immigrants of this country are people who fight and work and prove them to be hard workers and want to achieve dreams like every other citizen of this country. Instate tuition was a success for some but it did not stop the fight to make another, that is when the DREAM Act was introduced. In the U.S. senate by Dick Durbin and Orrin Natch, August 1st, 2001.

For years there has been an opportunity for the DREAM Act to pass, but there are always debates weather it should or not. The DREAM Act stands for Development, Relief and Education for Alien Minors Act. To qualify for the DREAM Act students must graduate from high school, have lived in the United States for at least five years, entered the country before age sixteen, compiled no criminal record, and demonstrated good moral character. Many students in the United States who do not have their documents and students who are residents can have the opportunity to become US citizens if this bill were to pass. There are an estimated 1.9 million undocumented children who may be eligible for legal status under the DREAM Act, it would provide an opportunity for them to live their dreams and make contributions to the U.S. economy and society. Not only will it allow them to become citizens, but it would also allow them use their major from college and get a job. Some families migrate to the United States to give their children a better chance at achieve what they can't achieve in their home. As of 2002, the estimated number of undocumented immigrants in the United States was between 7.5-9.5 million” (Charles Dervarics). In that large range of undocumented immigrants, 80,000 are undocumented students who have lived in the United States for over five years” (Charles Dervarics). Out of those students, each year about 65,000 of them graduate from high school (Charles Dervarics). A large number of students graduate from high school, but because they lack a correct social security number

these individuals are struggling to pursue higher education. If the DREAM Act were to pass it would eliminate many educational barriers for undocumented students. These students are working hard on their studies to become better citizens. Everyone has the right to pursue a career. As human beings, we have a moral obligation to help our fellow neighbor. As for many undocumented families, parents are disappointed to see the struggles their children go through. Some people believe that the reason many undocumented students do not graduate is because; they do not care about their education, but that is not the case. The bigger picture is students don't finish high school because of a lack of support in the administration to encourage higher education. Undocumented students are being punished for the action of their parents by coming into America illegally. We should support the students who will become the face of this country. They did not choose to come to the United States. Parents took the risk to bring their children. Most of the kids who are brought to the United States at a very young age learn to speak only English well but speak Spanish poorly. They see themselves as Americans, not citizens of their country or origin.

The DREAM Act on a 55-to-41 vote, passed the senate, but failed to proceed in the House. What is discouraging and makes me question our political system is that there are enough votes in the house for it to pass. However the majority party will not allow it to come up for a vote. They are using a procedural trick to prevent the will of the people. For the DREAM Act to fail it was very devastating for many students who had high dreams. However it was another obstacle undocumented students had to face in order to keep fighting. Right when hope was no longer the spirit many students, president Obama signed a memo calling for deferred action. Deferred Action for childhood Arrivals was the door for students to stop living in shadows.

Deferred action was designed to allow individuals to apply for employment authorization and they are also in the U.S. under color of law. The downfall is there is no direct path from deferred action to lead for permanent residency or to citizenship. It can be revoked at any time. Like anything there are requirements to be met in order to qualify for deferred action. To qualify for DACA the following conditions must be met. The individual has to be under the age of 31 on June 15, 2012. Came to the United States before reaching sixteenth and have resided in the United States since June 15, 2007. Also the individual had to be physically present in the United States on June 15, 2012, and at the time of the DACA request. As requirements go the undocumented individual has to show great morality simply because is not acceptable to allow someone the privilege to work legally when a felony was committed or a significant misdemeanor, three or more are on the record. DACA was designed to grant two years for individuals to work legally and after that it would be another process. The renewable process is time consuming and expensive. So what we need is an immigration reform to be passing. How many more obstacles can be created for undocumented students? Undocumented students are in the struggle but jumping the barriers are just part of the fight. Fortunately in Washington State our legislatures have stepped up where the federal government failed.

In 2014 Washington State passed the Washington State dream. The Washington State dream allows undocumented students to receive the State Need Grant. The process has been a journey for undocumented students to be eligible to receive an education either in the K-12 system or higher education. "It's not about immigration," Bailey said "It's about making sure that we take care of the students that live in our state and making sure that we don't create false hopes but that we give real hope." The Washington State DREAM Act House

Bill 1817 Passed out of the House on a bipartisan vote on the first day of the legislative session. It comes to show that many of the state representatives know that undocumented students contribute to this country as much as any citizen. One of the questions I get from people who are not educated on the topic ask me “why would I want to cut my financial aid for an illegal when it is hard enough to receive financial aid”. I simply respond the funds that are specifically for undocumented students and it comes from another bucket of money. The senate’s proposal allocates \$5 million through June 30, 2015 for those individuals who are undocumented. Currently only 17 states allow in- state tuition rates for undocumented students, and two states prohibit undocumented students from enrolling at any public postsecondary institution

The journey for undocumented students has been a long journey of struggles and obstacles to overcome. How did undocumented students get so far? Should undocumented students be grateful that they can now receive state need grant? Undocumented students will not get legal status as a result of this bill. Many of undocumented students even if they receive the help from the state at the end of the day once they decide to work there will be a wall blocking that from happening simply because they lack a social security number.

What had an impact on the fight to the representatives has been activism. If it weren’t for activism education would have not been allowed for “illegal’s”. Activism can be described in many different ways either by being part of civil disobedience, marches, and rally’s, lobbying and also most important by doing research. I personally never thought that activism could be considered as typing up a research paper or presenting to a group of people. I was definitely wrong. Educating others is the best activism that anyone can do. I been part of activism ever since I realize my best friend was undocumented. Activism is very

important, I have learned that the best way to be an activist is having the passion for it. However, that can also be a problem because I have learned that many people that disagree with immigration reform, the DREAM Act, or any other opportunity for undocumented students always fall back on the perspective of breaking the law by being illegally. In order to be a great activist it comes down to knowing the background and statements to back up your personal opinion, and sometimes being willing to get arrested.

As a student at Columbia Basin Community College I was given the opportunity to travel to Olympia and meet with state legislators to discuss issues related to undocumented students and education. I began to see that making a difference politically required more than just voting, it meant getting involved. Last year I traveled to Washington D. C. This time to meet with Washington state's national members. In addition, we were planning an act of Civil Disobedience. We were going to block the intersection in front of the Senate Office Building. Even though we had a session to learn how it would go, this was still very frightening for me. We knew we would be arrested. At the same time it was exhilarating. I felt like I was following in the footsteps of César Chavez and Martin Luther King.

I was part of action in Spokane recently where I was arrested along with eleven other community members. In this action we were all taken into custody outside of U.S. Rep. Cathy McMorris Rodgers office. The action was so we could protest and call on Republicans to pass immigration reform. All of us who got arrested are part of One America, which is a national activist organization. There are many different organizations that support immigration reform simply because we have a broken immigration system. We were arrested because we interfered with traffic and refuse to move. Sometimes it takes putting your body on risk in order to get a message across the state representatives. Cathy McMorris Rodgers is

an important to target because she is the third-ranking member of the GOP. By having Cathy McMorris Rodgers vote or to take action is a great success. She is the most powerful women in the house and she has not done anything for the undocumented population, or the families that are being separated every day. She preaches family values and she knows it's important to keep families together, yet there has been nothing done. I don't speak of my arrest to inform people how fun it is to get arrested, but I tell my experience because I was scare to be detained. The reason why I took action and I keep taking action is simply I don't want to get separated from my mom. I am very fortunate to have an opportunity in the United States only because I am a citizen, but what if I wasn't? Equal opportunities should be granted for all people no matter what the status of someone is. I believe this because if the contribution to this country is the same as the rest it would just be fair to have the same opportunity they have. Immigration reform is the next obstacle undocumented students have to push for as well as activists. It may not be an easy wall to break but is doable and the meaning behind it means a lot more. Not one more family separated from their loved ones, no more dreamers denied higher education!

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